

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

COLONEL ROBERT FRANK, et al.,)
vs.)
CITY OF HENDERSON, et al.,)
Plaintiffs,)
Defendants.)
Case No. 2:12-cv-01988-GMN-NJK
ORDER DENYING AMENDED
DISCOVERY PLAN
(Docket No. 23)

Pending before the Court is an amended joint discovery plan, Docket No. 23, which is hereby **DENIED**. The parties have requested time beyond the presumptively reasonable 180-day discovery period based on the pendency of a motion to dismiss or for summary judgment. *See* Docket No. 23 at 4. The parties further state that they do not intend to conduct discovery while that motion is pending. *See id.* “The Federal Rules of Civil Procedure do not provide for automatic or blanket stays of discovery when a potentially dispositive motion is pending.” *See, e.g., Ministerio Roca Solida v. U.S. Dep’t of Fish & Wildlife*, __ F.R.D. __, 2013 WL 150185, *2 (D. Nev. Jan. 14, 2013). Indeed, the Local Rules are written to make clear that the presumptively reasonable 180-day discovery period begins when the first defendant “answers *or appears*.” Local Rule 26-1(e)(1) (emphasis added).

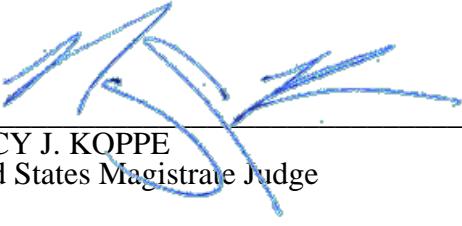
The pending motion to dismiss or for summary judgment is not reason in itself to provide an extended discovery period. Moreover, the Court is disinclined to allow an extended discovery period based on the parties' desire not to conduct discovery during the pendency of that motion given that it is

1 uncertain when the motion will ultimately be decided.

2 Accordingly, no later than February 28, 2013, the parties shall file a second amended discovery
3 plan providing deadlines based on a discovery period of 180-days calculated from January 2, 2013.
4 Should the parties so desire, they may also file a motion to stay discovery pending the outcome of the
5 motion to dismiss or for summary judgment.¹

6 IT IS SO ORDERED.

7 DATED: February 22, 2013

8 
9 NANCY J. KOPPE
10 United States Magistrate Judge

26 _____
27 ¹ In the event a motion to stay discovery is filed, the parties are directed to the standards for such
28 a motion provided in *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601-02 (D. Nev. 2011)